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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,917

08/26/2003

John Randolph Blyth

1916

7590

12/07/2004

John  
Blyth  
3525 Colonnade Dr.  
Tallahassee, FL 32309

EXAMINER

HUANG, SIHONG

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/604,917

Applicant(s) **OK**

BLYTH, JOHN RANDOLPH

Examiner

Sihong Huang

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/26/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

It is not signed by the inventor.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 29, "the charge controller" lacks antecedent basis.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 6,693,556 B1) in view of Archenhold et al. (US 2003/0057888 A1).

Jones et al disclosed et al an enhance sign comprising a sign panel (60), a main control circuit (75) to direct all sign functions to control power usage, LED flash rate and timing and battery charging, a plurality of forward facing high intensity light emitting diodes or LEDs (45a-45h, 48, 49 and/or 87, see col. 4, lines 50-59 and col. 9, lines 44-50 which indicates illumination of LEDs upon a plurality of different signs in any desired manner), a housing (52, col. 6, lines 65), a solar cell panel (78, col. 8, lines 55-56), a long range radar detector (col. 9, lines 38-42), a low voltage battery (one of 76 and 77), a temperature sensor (col. 9, lines 32-37), a secondary battery (other one of 76 and 77), and a memory (85).

Jones et al differ from claim 1 of the present invention in that Jones et al does not disclose that the main control circuit is a microprocessor and does not disclose an integrated communication port for external communication. Similarly, Archenhold et al, from the same field of endeavor, teach an illumination sign control system (Fig. 2) wherein the system is controlled by a microprocessor 2 and provided with a communication module 8 for providing bi-directional data connection between the microprocessor and external devices or controllers (pp 0039). Based on the teaching, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the main controller unit of Jones et al with a microprocessor and the communication module as taught by Archenhold et al in order to allow the system of Jones et al to easily program the display sign and also allow remote programming

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or monitoring of the display sign via the external communication module. The modified sign of Jones et al and Archenhold et al further differs from claim 1 in that it does not disclose the Memory is a RAM. However, examiner takes Official notice that providing RAM for storing data or parameters is extremely well known in the art. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to use such well know memory in the modified sign of Jones et al and Archenhold et al in order to allow easy access to store data or parameters for programming.

Regarding claim 2, the sign of Jones et al is a traffic safety sign (Fig. 11, 12, etc).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Prior art references Nicholson et al. (US 6,414,650 B1), Okuno (US 4,298,869), Maskeny (US 5,990,802), Yang et al. (US 6,271,815 B1), Temple (US 6,737,983 B1) and Luoma et al. (US 6,750,829 B2) are cited to show other LEDs display/signs.

The listed prior art references in the eIDS 1449 Form filed Aug. 26, 2003 have been considered.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sihong Huang whose telephone number is 571-272-2958. The examiner can normally be reached on Mon, Thu & Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sihong Huang  
December 2, 2004

A handwritten signature in black ink, appearing to be 'Sihong Huang', written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.